

very basic considerations and protections. I am waiting for Republicans to describe why they are opposed to any of these protections. I will just mention them again very quickly.

Patient information—it is interesting, as we list all of these protections in this particular chart, to note where we got these recommendations from.

In each and every case of protections that are guaranteed in the Patients' Bill of Rights, they have also been recommended either by the President's recent quality commission, which was a blue-ribbon non-partisan group of experts, or they have been in effect for a number of years under Medicare, or they have been recommended by the States' insurance commissioners, which is a bipartisan group, or it has been recommended by the American Association of Health Plans, which is the HMO trade association.

If you look down at guarantees that are included in our Patients' Bill of Rights, you will see that they have been recommended or been in effect for a number of years. This is a commonsense—commonsense—proposal based upon thoughtful consideration of the types of rights that are currently being guaranteed to many, but not all, Americans.

Mr. President, we welcomed the opportunity this week to have the measure before the Senate. It was there very, very briefly, but quickly taken away by the Republican leadership. No debate. No discussion.

This issue is a priority for the American people, and, even though we have only 44 days left in this Congress, we are going to be resolute and committed to bringing this issue up so that we in this body are going to be able to debate these matters on the floor of the U.S. Senate and vote to provide patients across the country with meaningful protections.

There are 44 days left, Mr. President, in order for us to take action—44 days left. Today is July 10. There are 44 days left to debate this issue and to take action, and the American people deserve action, and they will receive it, because we are strongly committed to it. I yield the floor.

EXHIBIT 1

REPUBLICAN HEALTH CARE PRINCIPLES

Republicans will demand that HMOs play by the rules and provide access to patient-centered care. Many consumers fear that their health care plans will not give them access to care when they need it most, that they will be denied the benefits they've paid for and been promised, and that their health plans care more about cost than they do about quality. These are real fears of unacceptable conditions and HMOs must do better.

Republicans believe that all consumers have the right to:

Receive accurate, easy-to-understand information about what their health plans provide, including information about out-of-pocket expenses and information about health care providers;

Receive the benefits they have paid for and been promised;

Hold their health plans accountable through a fair and expeditious appeals process;

Communicate openly with their doctors about their treatment options;

Know that their medical care is based on the best scientific information available, not on political considerations; and

Access to their medical records and the right to know that their medical information will be used only to provide better health care.

Republicans support expanding health care coverage to more Americans by enhancing its affordability. We will not adopt legislation that will make health insurance more costly or drive businesses—especially small businesses—to drop coverage of their employees. While CBO has not completed its analysis of PARCA or the "Patients Bill of Rights," a 1997 Millman and Roberts study of PARCA found that the legislation would increase health care premiums by an average of 23 percent. To the average family, that's an annual premium hike of \$1,220, or more than \$100 per month. That study, significantly, did not take into account the additional costs that would be imposed by the liability provisions.

Higher health care costs mean more uninsured people. According to a 1997 study by Lewin, for every 1 percent increase in premiums, 400,000 people lose their health insurance coverage. Congress should not pass legislation that would cause hundreds of thousands and perhaps millions of people to become uninsured.

Republicans believe in expanding choice. We will not force every American into an HMO. Extensive new federal requirements included in the so-called Patients Bill of Rights will force all health plans to resemble HMOs. Ironically, many of the bills which claim to expand choice actually would limit choice. Rather than expanding regulation and forcing a "one-size-fits-all" approach to health care, Congress should focus efforts on reforming the tax rules which limit and in some cases prohibit consumer's choices.

Republicans believe that health resources should be used for patient care, not to pay trial lawyers. Medical malpractice laws have led doctors to practice defensive medicine, making health care more costly without improving patient outcomes. Expanding malpractice liability will exacerbate these problems. Moreover, health plans are likely to micromanage clinical decisions in order to protect themselves against costly lawsuits. Congress should not pass legislation on the assumption that people can sue their way to health care quality.

Republicans believe the private sector is more capable of keeping pace with the rapid changes of health care. The government is not the best caretaker of health care quality. Republicans agree with leading physicians such as Dr. Bob Waller of the Mayo Clinic, who warned that increased federal regulation of health care quality, by freezing in place standards that will quickly become obsolete, will actually diminish the quality of care that patients receive. Who also agree with the approach taken by the President's own hand-picked Commission on Quality which did not recommend legislation or regulation. Instead, the President's Commission—which he has conveniently disavowed—recommended voluntary implementation of consumer protections.

Republicans believe consumers have the right to a health system driven by the best scientific evidence available—not one hamstrung by political considerations. Congress should not practice medicine. Over the past several years, Congress has imposed a number of "body part" mandates on health insurance plans. These mandates, though well-intentioned, are often misguided. For example, the Journal of the American Medical Association last year published a study which concluded that maternity length-of-stay requirements do not improve health outcomes for mothers or their babies and may do more

harm than good. Congress should not magnify and repeat past errors by imposing new body part mandates on health plans.

The federal government should focus on a system which will give providers and physicians more time with patients and less time on paperwork. Bills that impose extensive information disclosure requirements on health plans will force those plans to impose extensive paperwork requirements on providers. Instead of simply filing claims information with insurers—as providers in fee-for-service and PPOs do—doctors will have to supply insurance companies with information about their patients, the care their patients receive, treatment outcomes, and patient satisfaction, among other things. This will require doctors to spend more time filling out forms and less time treating their patients.

Republicans will not politicize or simplify an issue as important as health care quality. Many on the other side are willing to jeopardize insurance coverage for millions of Americans for a political "slam dunk." Republicans will not exploit the fears of Americans in order to enjoy a political victory. The issues surrounding the quality of our nation's health care deserve to be debated responsibly and cautiously. We will not pass legislation which increases the number of uninsured, makes health care unaffordable, and diminishes rather than enhance health care quality.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER (Mr. ROBERTS). The Senator from Arkansas.

Mr. BUMPERS. Mr. President, rather than ask later, let me ask now. I ask unanimous consent that I be able to proceed for up to 15 minutes.

Mr. WARNER. Mr. President, reserving the right to object, can I ask what the standing order is.

The PRESIDING OFFICER. The standing order is 10 minutes.

Mr. WARNER. I certainly want to accommodate the Senator, but there are others of us who are waiting. If that is what the Senator desires, then I withdraw the objection. But knowing my dear friend—15 minutes, fine. I thank the Chair.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Arkansas is recognized.

Mr. BUMPERS. I thank the Chair.

(The remarks of Mr. BUMPERS and Mr. WARNER pertaining to the introduction of S. 2289 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

(The remarks of Mr. WARNER and Mr. FORD pertaining to the introduction of S. 2288 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The distinguished Senator from North Dakota is recognized for up to 10 minutes.

SUDAN'S FAMINE

Mr. DORGAN. Mr. President, in the Washington Post this week there was an article entitled "Sudan's Famine Overwhelms Aid Effort." I want to read a couple of sentences from this article, because I was struck by the concurrence of what I read about what is happening in Sudan and what I know is

happening in North Dakota and in much of the farm belt.

As the gate is about to close for the night on the feeding center here, near-lifeless bodies start turning up everywhere. Three have collapsed just outside the reed walls of the compound, human skeletons so thin they look two-dimensional against the ground.

Three, then four, then five, then, somehow, eight others have been carried inside and laid among the swarm of gaunt people still strong enough to beckon medical workers who have spent the day ministering to the hundreds gathered outside this place that has food.

The workers move from body to body, feeling for a pulse, crumbling high-calorie biscuits into palms, pouring sugar water from gourd to mouth. The impossibly sunken cheeks of a man too weak to hold his head up by himself fall deeper into his face as he slurps. . . .

Four months after aid agencies issued warnings of impending famine in southern Sudan—and two months after they marshaled public opinion in the name of heading it off—starvation has arrived regardless. Across a vast region unsettled by civil war and erratic weather, the United Nations now says, 1.2 million people are at risk of death from hunger.

They are living on the leaves of trees. I heard a fellow who visited Sudan describe old women climbing trees to forage leaves to eat. When I think that halfway around the world people are dying of starvation, and people are climbing trees to eat leaves on trees, I can't help but think that on the other side of the world that our family farmers who produce food in the most abundant quantity anywhere on the Earth are being told that their production has no merit, and no value.

The price of farm commodities collapses, and family farmers are told, "Well, that's the breaks. That is the way things are. You produce it, and it should be worth \$4.50 or \$5 to cover the cost of production, and then you go put it on a truck and drive it to an elevator, and it is worth \$3. Somehow the market doesn't value it. Your crop doesn't have worth, and doesn't have merit."

I think to myself that there is something kind of Byzantine about a world in which that happens. Just detach yourself from the globe for a moment and look at a globe sitting out here with people on this side starving and people on this side who are operating family farms going broke because they are told their food doesn't have value. Gosh.

This is not true with military equipment. Military equipment always has value. They ship it all around the world every day in every way, and there is plenty of money to finance it. The poorest countries in the world can buy military equipment. The poorest countries in the world can afford apparently the best jet planes, tanks, guns, and shells. But when it comes to food, the people who need it are starving, and the people who produce it—our family farmers—are told it doesn't have worth and they can go broke.

Let me describe what is happening in our part of the world. I might say that

I served for almost 10 years on the Hunger Committee in the U.S. House of Representatives. I am well familiar with the famine that occurred in Ethiopia. I am well familiar with past famines in Sudan and other parts of the world where millions have died of starvation. This is happening on a planet where, in some parts of the earth we produce food in great abundant quantity and those who produce it are told it has too little value.

We have family farmers today who have invested everything, their lives, 10, 20, 30 years into running a family farm far out in the country, with the yard light on at night, raising their family, sending their kids to school, getting up early to do the chores, working all day, doing chores at night, and discover when they check their books and records that they are losing money and losing their farms.

Here is what happened to the price of wheat in the last couple of years. Wheat prices have fallen 53 percent since the current farm law was passed. Prices have collapsed like a down escalator, and yet some people say, "Gee, everything is working just fine." In fact, I heard some people say the farm program is working just fine. It is not working just fine.

The price of wheat is collapsing. On top of this, in our State we have the worst crop disease in a century. This is a crop disease that is pervasive. It is called fusarium head blight, commonly called scab. Farmers are hit by collapsed prices and crop diseases that are devastating. So we have, it seems to me, a twin failure here on this globe of ours. We have people who don't have anything to eat and are starving and dying in the streets in Sudan. Then we have families who are failing in the Farm Belt who have risked everything they have to run a family farm and are told, when they truck that wheat and barley that makes the foodstuffs that can be life-saving to others, that somehow this has no value. At least, they are told its value is so diminished that you can't make a decent living growing this grain.

Let me show you what has happened to these family farmers in my State. In 1 year, there has been a 98-percent reduction in net income for family farmers. That's right, 98 percent. Go to any neighborhood, any street, anyplace in this country and ask anybody how will you handle it, how will you fare, what will your life be like, if somebody takes away 98 percent of your income? This describes a serious economic emergency.

In my State, these red counties which make up a third of our counties, have been declared disaster counties every single year for 5 years—every year. Not just occasionally, every year. Incidentally, North Dakota is 10 times the size of Massachusetts in land mass. Those family farmers are trying to run a farm out here and trying to raise a crop they can plant and harvest. They have discovered that you cannot do it

when you have these excessive wet cycles and pervasive crop disease so they don't get much of a crop. Then if they do get a crop, they send it to the market and it is underpriced because the price has collapsed.

The reason I make this point is we have family farmers in North Dakota—and in other parts of the Farm Belt, but especially in North Dakota—who are suffering terribly. We need to do something about that.

Do we need to respond to the Sudan with respect to food aid, substantially increased quantities of Food for Peace, title II and title III and others? Yes, we do. It is this country's obligation to do that. We ought to do it. Doing so, however, also obligates us, it seems to me, to do something to help those family farmers in our Farm Belt who are losing their hopes and their dreams.

"This is the worst plant disease epidemic that the United States has faced with any major crop in this country." Brian Steffenson of North Dakota State University said that last week. That is just one part of the price collapse and crop disease that has put us in a devastating situation.

Steffenson also said, "North Dakota's barley industry is hanging on by a thread, even though it is typically the leader in feed and malting barley production in the nation."

Farmers not only face disease and low prices, but also have a problem of selling into highly concentrated markets. Family farmers are trying to figure out how they market their commodity effectively. If they are raising beef, four packers control 87 percent. If they raise pork, its four packers that control 60 percent. Four firms control 55 percent of broilers. If they have sheep, four packers control 73 percent of sheep slaughter.

Grain facilities at our ports are controlled by four firms which have 59 percent. In flour milling, four firms control 62 percent. In wet corn milling, four firms control 74 percent. You get the picture. One farmer out there against that kind of market power that puts downward pressure on all these prices.

My point is this: We have a responsibility in this Congress to care about economic injury to important industries in this country, and none is more important, in my judgment, than family farming. Family farming is, and always has been, since Thomas Jefferson so described it as the most important enterprise in this country. Family farming is still important in this country, and we must make a commitment to deal with the economic injury to people who are out there, threatened with the loss of their livelihoods and the loss of their homes and dreams on their family farms.

In the coming week we intend to meet with the President. In the coming weeks we intend to come to the Congress and ask Republicans and Democrats, conservatives and liberals, all of them, to join us to say: We are not only profamily, we are profamily farming, and during times of emergencies we want to reach out and help. A country

that can provide foreign aid can also provide some farm aid in times of trouble, and we have not had a time of trouble anywhere close to this for many, many decades.

Just this morning one of the industry leaders in North Dakota indicated that he thinks we are headed towards a period that is about as bad as the 1930s on the family farm. We have an obligation to respond. I will ask the cooperation of the majority leader, the minority leader, and all people of good will here in this Congress who care, as I do, about the enterprise of family farming and the fortunes of those families in rural America. I hope we can pass a piece of legislation in the next several weeks to respond to this emergency.

I thank the Senator from Mississippi for his indulgence.

The PRESIDING OFFICER. The distinguished majority leader is recognized.

PRIVATE PROPERTY RIGHTS

Mr. LOTT. Mr. President, I have in my hand a copy of that wonderful document, the Constitution of the United States of America. It begins, "We, the people of the United States * * *" Like Senator BYRD, who refers to it quite often and carries a copy of it in his pocket, I find that when I go back and read it and reread it I always see something different, something special, something very treasured. I refer, today, to the last phrase of Article 5, which is very clear and unambiguous. It says:

* * * nor shall private property be taken for public use without just compensation.

The Constitution is very clear. And yet all across this country, privately owned property, including a lot of farmers' private property, and the private property of businessmen and individuals, is being taken pursuant to government action without just compensation. In many instances for so-called "good and valid reasons—for example, to preserve wetlands or to protect endangered species. Such takings may, upon examination, be legitimate, but not if private property is taken from the property owner in an inappropriate way and without just compensation.

This is one of the rights I think we as Americans hold most dear, and is so deserving of protection that it is spelled out in our Constitution—the right to privately own property and to not have it taken away by government action without just compensation being paid.

When I visit with people from all over the world, particularly those who have lived behind the Iron Curtain and in Eastern European countries, one of the things they want, one of the things they feel so strongly about in America, is the ability to own private property, own your own little piece of the world, and to own your own home. Yet, in America—in America—we are in danger of losing that right even though it is guaranteed in the Constitution.

So I filed for cloture last night on S. 2271, and I intend to strike and substitute the content of H.R. 1534, which passed the House by an overwhelming vote—I think the margin was well over 100—and which has been amended and passed by the Senate Judiciary Committee.

I commend the Judiciary Committee for the work they have done in this area under the chairmanship of Senator HATCH and with a lot of other Senators being involved, including Senator DEWINE from Ohio and I think Senator SESSIONS from Alabama. They produced this very important legislation, which is intended to protect an individual Constitutional right, the right to own and keep private property, by guaranteeing timely access to the Federal courts.

A primary function of the Congress, I think, is to safeguard rights guaranteed by our Constitution. When the Fifth Amendment to the Constitution was ratified, our Founding Fathers were confident that the right of an individual to own and use private property without unreasonable restrictions of that right would be guaranteed. However, the framers of the Constitution and the Bill of Rights could not have reasonably foreseen the tremendous changes in our Government structure that have resulted, I believe, in the real impairment of these property rights guarantees.

The encroachment of Federal Government agencies into matters of private land management is an issue of escalating cost to taxpayers, businesses, and private property owners. Such encroachments often result in decreased property values, reduced or terminated business activities, and lost jobs.

What value does a piece of property have in Kansas or in Connecticut or in Mississippi if you have been told, "Oh, yes, it is your land. We won't take it. But, by the way, you can't use it in the way you intended, for the purpose perhaps that you had bought it; or you can't do something on your land that you have inherited from your forefathers?" You might as well just take it off the face of the globe. What value does it have if you can't use it?

The extreme interpretations, in my opinion, of the Endangered Species Act and the Clean Water Act by Federal regulatory agencies are resulting in a policy of national land use control. Further, the rights of individual property owners are imperiled when faced with oppressive Government regulation without the ability to even fight for those rights on equal footing. This must not be allowed to continue unchecked.

I believe a legislative remedy is now needed to reinstate what should otherwise be inalienable. At a minimum, an individual property owner should be confident in the knowledge that the Federal court system is available to resolve a dispute over the taking of an individual's property without just compensation in a fair and timely manner.

That timely access to the courts will be assured by the passage of this legislation before the Senate Monday, and the vote will be at 5:45 p.m. on Monday to allow us even to proceed to consider this bill which will guarantee private property owners access and the opportunity to go to the Federal courts.

This legislation affects only Federal property rights claims brought before a Federal court. Despite the contentions of opponents to this legislation, State and local prerogatives and State and local claims—those based on State and local law—are not affected. The mere fact that a property rights constitutional claim may arise from some action taken by a State or local government does not make that claim per se a State law claim rather than a Federal claim.

The Judiciary Committee has endeavored to strike the proper balance when weighing any impact on State and local governments caused by this legislation. This legislation will certainly empower property owners—that is what it is intended to do—but I believe it will merely place them in the position they should have been in all along and will place them in a position that balances the need of the governmental entity with the rights of the private property owner.

Finally, it should be clear to all that the U.S. district courts in particular (and the Federal court system in general) are the proper venue for the adjudication of Federal constitutional issues such as this Federal right stemming from the Fifth Amendment to the Constitution. This legislation does no harm to our well-established principles of federalism. The Federal courts reviewing these claims will have no power to write permits or to make zoning decisions as do local governments. The courts do, however, have the responsibility to ensure that such decisions are constitutional and do not improperly infringe upon the property rights established by the Fifth Amendment.

I am confident that this legislation will accomplish its desired effect, no more and no less. That effect is to ensure that a private property owner has his day in Federal court and a fair and timely hearing of his cause. This is a bedrock right, and it must be preserved.

This is not the same private property rights bill that had been considered earlier by the Congress. It is much narrower. It is targeted, but it gives access to the Federal court system. By taking this step, Congress will make great strides to ensure the preservation of this important Constitutional right.

I would like to hear any Member of the Senate go to his or her constituents in their respective States and say, "Private property owner, we think your property should be taken for whatever good and just cause that might be involved without just compensation, and, oh, by the way, you don't even have the right to go to the